

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q65478

Tatsuo KAKIMOTO, et al.

Appln. No.: 09/918,508

Group Art Unit: 1647

Confirmation No.: 3296

Examiner: Cherie Michelle Woodward

Filed: August 1, 2001

For: ANALYSIS OF AGONIST-ACTIVITY AND ANTAGONIST-ACTIVITY TO
CYTOKININ RECEPTOR

STATEMENT OF SUBSTANCE OF THE INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the interview conducted on
May 10, 2007:

REMARKS

An Examiner's Interview Summary Record (PTO-413) was mailed May 14, 2007.

During the interview, the following was discussed:

Applicants express appreciation toward the Examiner for clarifying the sufficiency of the Rule 1.131 and 1.132 Declarations filed on April 15, 2005 and January 17, 2006, respectively, with Applicants' representative during a telephone call on May 10, 2007.

With regard to the Rule 1.131 Declaration, the Examiner stated that evidence of attempts to contact the missing inventor, as required under MPEP 715(b), would have to be submitted in order to explain the lack of a third signature from the third inventor, Mr. Inoue. The Examiner stated that evidence of emails or facsimiles sent to the inventor may be sufficient. In addition,

the Examiner pointed out that with regard to the use of the Rule 1.131 Declaration to antedate the §103 reference, the inventors would need to submit papers as described on page 9 of the Office Action mailed May 2, 2006, in order to show, e.g., that the original submissions or revised submissions to Nature described the claimed invention before the date of the cited reference.

With regard to the 1.132 Declaration, the Examiner stated that as mentioned on page 3 of the Office Action mailed May 2, 2006, the 1.132 Declarations from all of the co-authors have been acknowledged and considered. However, in order to possibly obviate the 102(a) rejection, the inventors will have to cure the Rule 1.131 Declaration. The Examiner stated that in this particular case, the Rule 1.132 and Rule 1.131 Declarations are considered in tandem because: (1) the inventors are regarded as being part of two separate entities, with one entity for the Nature paper and another entity for the application due to the difference between the co-authors named on the paper and the inventors named on the application; and (2) the inventors have to swear behind the paper in order to show that the invention described in the paper is theirs.

The Examiner stated that both the 102(a) and 103(a) rejections in the Final Office Action mailed May 2, 2006, may be obviated by curing the Rule 1.131 Declaration submitted to the Patent Office.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such

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extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

/Tu A. Phan/

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CUSTOMER NUMBER

Date: June 4, 2007